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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,533	03/25/2004	Vincent Kubert	29744-CON	6153

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EXAMINER

YAN, REN LUO

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/809,533	Applicant(s) KUBERT ET AL.	
	Examiner Ren L. Yan	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-80 is/are pending in the application.
- 4a) Of the above claim(s) 69-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49, 51, 52, 54-59, 61, 62 and 64-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scupham(WO 97/43126) in view of Deshiens et al(5,803,504).

Scupham teaches a card printing method as claimed including printing "secret" text(numbers or symbols that form a PIN) on a substantially rigid plastic card that is substantially rectangular and wallet sized, printing a release layer over the printed "secret" text, printing an ultraviolet curable opaque scratch-off coating over the release layer, and then UV curing the surface of the printed card. See the entire Scupham document for details. However, Scupham does not teach to use a flexographic printing to carry out the printing operation. Deshiens et al teach a method for multicolor overprinting of scratch-off lottery tickets using a multi-station flexographic printing press to print indicia 41 representing game symbols and prize amounts, varnish layers 43 and 45 to protect the printed indicia 41, and a scratch-off layer 46 on top of the varnish layers. Deshiens et al also teach to further print a multicolor complex image over the scratch-off layer to form an overprint region 58. See Figs. 1-8 and column 5, lines 4-63 in Deshiens et al for example. It would have been obvious to one of ordinary skill in the art to provide the printing method of Scupham with the multicolor flexographic printing press as

Art Unit: 2854

taught by Deshiens et al in order to enable various ink layers printed flexographically in order to achieve the desired visual effect of full color with virtually limitless tones and shades.

With respect to claims 54, 55, 64 and 65, as discussed above, Deshiens et al teach to further print a multicolor complex image over the scratch-off layer to form an overprint region. The multicolor complex image over the scratch-off layer would inherently be considered as a security indicia or the control code to the maker of the cards.

Claims 50 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scupham in view of Deshiens et al as applied to claims 49 and 59 above, and further in view of Person(5,989,639).

Scupham, as modified by Deshiens et al, teaches all that is claimed except for showing the detailed structural arrangement of the flexographic printing press. The patent to Person teaches the conventionality of using an anilox metering roller 58 to transfer closely controlled quantities of ink to a printing plate cylinder in a flexographic printing press. See column 6, lines 9-22 in Person for example. It would have been obvious to one of ordinary skill in the art to provide the flexographic printing press of Scupham, as modified by Deshiens et al with the anilox metering roller for each of the flexographic printing stations as taught by Person in order to precisely control the amount of the ink being transferred to and printed by the flexographic printing cylinders.

Claim 53 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scupham in view of Deshiens et al as applied to claims 49 and 59 above, and further in view of Templeton(6,152,029).

Scupham, as modified by Deshiens et al, teaches all that is claimed except for the use of an inkjet printer. Templeton teaches printing on a card with a magnetically encoded stripe the conventional use of inkjet printheads 30 and 32 for applying variable text and bar code information such as PIN number or other security information onto the card. See column 3, lines 3-22 in Templeton for example. In view of the teaching of Templeton, it would have been obvious to provide the card printing method of Scupham, as modified by Deshiens et al, with the inkjet printheads appropriately disposed to facilitate printing variable text and bar code information on the card over the opaque scratch-off layer with precise digital control of the inkjet printing technology.

Applicant's arguments filed on 8-29-2005 have been fully considered but they are not persuasive. Applicant argued that Scupham teaches a printing process opposite from the claimed invention and there is no suggestion in Scupham to use a flexographic process. Applicant further argued that Scupham only suggests lithographic printing, and suggests that other processes are unacceptable. While it is true Scupham patent does not suggest to use a flexographic process to carry out the printing operation, if it did, the Scupham patent would be applied as a 35 USC 102(b) reference against the pending claims, Scupham does not suggest that flexographic process is not acceptable as implied by applicant's argument. Scupham only prefers lithographic printing over rotary screen printing in his disclosure and is silent about using flexographic printing, and certainly does not teach against using flexographic printing. Applicant's statement that lithographic printing process is opposite from flexographic printing process is not understood as to its rational. Lithographic printing, flexographic printing and rotary screen printing are all well known printing processes widely practiced in the printing art by those having ordinary skill in

Art Unit: 2854

the art based upon, among other factors involved, the particular ink type, substrate type being printed and the desired appearances of the printed product. These well known printing processes each has its known advantages and disadvantages when used to print a particular substrate and they are by no means as being opposite to each other. Deshiens clearly teaches to use a flexographic printing process to print, among other layers, a scratch-off coating layer in order to achieve the stated advantages. One of ordinary skill in the art, when presented with the teaching of Deshiens, would be motivated to apply flexographic printing to the printing operation of Scupham to form the opaque scratch-off coating in order to achieve the desired visual effect of full color with virtually limitless tones and shades as so taught by Deshiens. Applicant also argued that the combination of Scupham and Deshiens would be applying a scratch-off coating using offset-lithographic printing, while other coatings, for example, a release layer, were applied by flexographic printing. This argument has no basis. If one of ordinary skill in the art would apply the teaching of Deshiens to the printing operation of Scupham, the scratch-off coating, among other layers, would definitely be printed using the flexographic printing process in order to achieve the advantages as taught by Deshiens.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


Art Unit: 2854

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ren L Yan
Primary Examiner
Art Unit 2854

Ren Yan
Dec. 8, 2005